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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TRANSMITTAL
FORM

(to be used for all correspondence after filing)

Total number of Pages in this submission

| | |
|----------------------|--------------------|
| Application Number | 09/646,478 |
| Filing Date | September 15, 2000 |
| First Named Inventor | Jin JEN et al. |
| Group Art Unit | NYA |
| Examiner Name | NYA |
| Attorney Docket No. | 126881201800 |

Commissioner of Patents
Washington, D.C. 20231

ENCLOSURES (check all that apply)

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> FEE TRANSMITTAL FORM <input checked="" type="checkbox"/> FEE ATTACHED (\$180) <input type="checkbox"/> AMENDMENT/RESPONSE <input type="checkbox"/> AFTER FINAL <input type="checkbox"/> AFFIDAVITS' DECLARATION(S) <input type="checkbox"/> EXTENSION OF TIME <input type="checkbox"/> EXPRESS ABANDONMENT REQUEST <input checked="" type="checkbox"/> INFORMATION DISCLOSURE STATEMENT W/1449 <input type="checkbox"/> CERTIFIED COPY OF PRIORITY DOCUMENT(S) <input type="checkbox"/> RESPONSE TO MISSING PARTS/ INCOMPLETE APPLICATION <input type="checkbox"/> RESPONSE TO MISSING PARTS UNDER 37 CFR 1.52 OR 1.53 COPY OF PTO-1533 <input type="checkbox"/> ISSUE FEE TRANSMITTAL <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> ASSIGNMENT PAPERS (FOR AN APPLICATION) <input type="checkbox"/> DRAWING(S) <input type="checkbox"/> LICENSING-RELATED PAPERS <input type="checkbox"/> PETITION ROUTING SLIP (PTO/SB/60) AND ACCOMPANYING PETITION) <input type="checkbox"/> TO CONVERT A PROVISIONAL APPLICATION <input type="checkbox"/> POWER OF ATTORNEY, REVOCATION CHANGE OF CORRESPONDENCE ADDRESS <input type="checkbox"/> TERMINAL DISCLAIMER <input type="checkbox"/> SMALL ENTITY STATEMENT <input type="checkbox"/> REQUEST FOR REFUND | <input type="checkbox"/> AFTER ALLOWANCE COMMUNICATION TO GROUP <input type="checkbox"/> APPEAL COMMUNICATION TO BOARD OF APPEALS AND INTERFERENCES <input type="checkbox"/> APPEAL COMMUNICATION TO GROUP (APPEAL NOTICE, BRIEF, REPLY BRIEF) <input type="checkbox"/> PROPRIETARY INFORMATION <input type="checkbox"/> STATUS LETTER <input checked="" type="checkbox"/> ADDITIONAL ENCLOSURE(S) (PLEASE IDENTIFY BELOW): INTERNATIONAL SEARCH REPORT FOR PCT/US99/06947, 40 REFERENCES, RETURN POSTCARD |
|--|---|--|

REMARKS:

BAKER & MCKENZIE
660 HANSEN WAY
PALO ALTO, CALIFORNIA 94304
TELEPHONE: (650) 856-2400
FACSIMILE: (650) 856-9299

DATE: APRIL 24, 2001

By: Antoinette F. Konski
ANTOINETTE F. KONSKI, REG. NO. 34,202

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

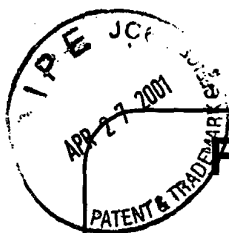
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Commissioner of Patents, Washington, D.C. 20231 on this date: April 24, 2001.By: Mary R. Zimmerman
Name of person signing: Mary R. Zimmerman

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FEE TRANSMITTAL FOR FY 2001

Patent fees are subject to annual revision.

Complete if Known

| | |
|----------------------|--------------------|
| Application Number | 09/646,478 |
| Filing Date | September 15, 2000 |
| First Named Inventor | Jin JEN et al. |
| Examiner Name | Not Yet Assigned |
| Group Art Unit | Not Yet Assigned |
| Attorney Docket No. | 126881201800 |

TOTAL AMOUNT OF PAYMENT

(\$)**180.00**

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number: **50-0974**
Deposit Account Name: **Baker & McKenzie**

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit Card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description | Fee Paid |
|----------------|-----------------|----------------|-----------------|------------------------|----------|
| 101 | 710 | 201 | 355 | Utility filing fee | |
| 106 | 320 | 206 | 160 | Design filing fee | |
| 107 | 490 | 207 | 245 | Plant filing fee | |
| 108 | 710 | 208 | 355 | Reissue filing fee | |
| 114 | 150 | 214 | 75 | Provisional filing fee | |

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES

| Total Claims | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| Independent Claims | - 20** = | x | = \$ |
| Multiple Dependent | - 3** = | x | = \$ |

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description |
|----------------|-----------------|----------------|-----------------|---|
| 103 | 18 | 203 | 9 | Claims in excess of 20 |
| 102 | 80 | 202 | 40 | Independent claims in excess of 3 |
| 104 | 270 | 204 | 135 | Multiple dependent claims, if not paid |
| 109 | 80 | 209 | 40 | **Reissue independent claims over original patent |
| 110 | 18 | 210 | 9 | **Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$)

** or number previously paid, if greater; For reissues, see above.

FEE CALCULATION (continued)

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description | Fee Paid |
|---------------------|-----------------|----------------|-----------------|--|--------------------|
| 105 | 130 | 205 | 65 | Surcharge - late filing fee or oath | |
| 127 | 50 | 227 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 139 | 130 | 139 | 130 | Non-English specification | |
| 147 | 2,520 | 147 | 2,520 | For filing a request for <i>ex parte</i> reexamination | |
| 112 | 920* | 112 | 920* | Requesting publication of SIR prior to Examiner action | |
| 113 | 1,840* | 113 | 1,840* | Requesting publication of SIR after Examiner action | |
| 115 | 110 | 215 | 55 | Extension for reply within first month | |
| 116 | 390 | 216 | 195 | Extension for reply within second month | |
| 117 | 890 | 217 | 445 | Extension for reply within third month | |
| 118 | 1,390 | 218 | 695 | Extension for reply within fourth month | |
| 128 | 1,890 | 228 | 945 | Extension for reply within fifth month | |
| 119 | 310 | 219 | 155 | Notice of Appeal | |
| 120 | 310 | 220 | 155 | Filing a brief in support of an appeal | |
| 121 | 270 | 221 | 135 | Request for oral hearing | |
| 138 | 1,510 | 138 | 1,510 | Petition to institute a public use proceeding | |
| 140 | 110 | 240 | 55 | Petition to revive - unavoidable | |
| 141 | 1,240 | 241 | 620 | Petition to revive - unintentional | |
| 142 | 1,240 | 242 | 620 | Utility issue fee (or reissue) | |
| 143 | 440 | 243 | 220 | Design issue fee | |
| 144 | 600 | 244 | 300 | Plant issue fee | |
| 122 | 130 | 122 | 130 | Petitions of the Commissioner | |
| 123 | 50 | 123 | 50 | Petitions related to provisional applications | |
| 126 | 180 | 126 | 180 | Submission of Information Disclosure Stmt | 180.00 |
| 581 | 40 | 581 | 40 | Recording each patent assignment per properties (times number of properties) | |
| 146 | 710 | 246 | 355 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 149 | 710 | 249 | 355 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 179 | 710 | 279 | 355 | Request for Continued Examination (RCE) | |
| 169 | 900 | 169 | 900 | Request for expedited examination of a design application | |
| Other fee (specify) | | | | | |
| SUBTOTAL (3) | | | | | (\$) 180.00 |

SUBMITTED BY

Complete (if applicable)

| | | | | | |
|-------------------|----------------------|-----------------------------------|----------------|-----------|----------------|
| Name (Print/Type) | Antoinette F. Konski | Registration No. (Attorney/Agent) | 34,202 | Telephone | (650) 856-5564 |
| Signature | | Date | April 24, 2001 | | |

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



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| <p>CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"</p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, Washington, D.C. 20231 on April 24, 2001.</p> <p><i>Mary R. Zimmerman</i> Mary R. Zimmerman</p> |
|--|

In re Application for:

Jin JEN et al.

Serial No.: 09/646,478

Filing Date: September 15, 2000

For: Methods for the Diagnosis and Treatment
of Lung Cancer

Examiner: Not Yet Assigned

Group Art Unit: Not Yet Assigned

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97**

Commissioner of Patents
Washington, D.C. 20231

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application a copy of an International Search Report for corresponding PCT Application Serial No. PCT/US99/06947 and the documents listed on the attached Information Disclosure Statement by Applicants. This protocol conforms with 37 C.F.R. § 1.98(d) and M.P.E.P. 609(A)(2). The Examiner is requested to make these documents of record.

A fee is required. A check in the amount of \$180.00 is enclosed.

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

This Information Disclosure Statement under 37 C.F.R. § 1.97 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal letter is separated from this document and the U.S. Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 50-0974** referencing 126881201800. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: April 24, 2000

By: Antoinette F. Konski
Antoinette F. Konski
Registration No. 34,202

Baker & McKenzie
660 Hansen Way
Palo Alto, California 94304
Telephone: (650) 856-2400
Facsimile: (650) 856-9299

Substitute for form 1449A/PTO

Docket No. 126881201800

Appl. No. 09/646,478

APR 27 2001

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

Applicant(s)

Jin JEN et al.

(use as many sheets as necessary)

Filing Date: 9/15/00

Group Art Unit:
Unassigned

Sheet

1

of

2

Examiner Name: Unassigned

U.S. PATENT DOCUMENTS

| Examiner Initials | Ref. No. | Date | Document No. | Name | Class | Subclass | Filing Date (if appropriate) |
|-------------------|----------|------------|--------------|-------------------|-------|----------|------------------------------|
| | 1. | 06/18/1974 | 3,817,837 | Rubenstein et al. | | | |
| | 2. | 11/26/1974 | 3,850,752 | Schuurs et al. | | | |
| | 3. | 02/17/1976 | 3,939,350 | Kronick et al. | | | |
| | 4. | 12/07/1976 | 3,996,345 | Ullman et al. | | | |
| | 5. | 06/23/1981 | 4,275,149 | Litman et al. | | | |
| | 6. | 07/07/1981 | 4,277,437 | Maggio | | | |
| | 7. | 12/28/1982 | 4,366,241 | Tom et al. | | | |
| | 8. | 07/29/1986 | 4,603,102 | Himmelman et al. | | | |
| | 8. | 04/11/1995 | 5,405,783 | Pirrung et al. | | | |
| | 10. | 05/02/1995 | 5,412,087 | McGall et al. | | | |
| | 11. | 08/29/1995 | 5,445,934 | Fodor et al. | | | |
| | 12. | 11/07/1995 | 5,464,764 | Capecchi et al. | | | |
| | 13. | 01/30/1996 | 5,487,992 | Capecchi et al. | | | |
| | 14. | 11/26/1996 | 5,578,832 | Trulson et al. | | | |
| | 15. | 05/06/1997 | 5,627,059 | Capecchi et al. | | | |
| | 16. | 05/20/1997 | 5,631,153 | Capecchi et al. | | | |
| | 17. | 05/20/1997 | 5,631,734 | Stern et al. | | | |
| | 18. | 12/09/1997 | 5,695,937 | Kinzler et al. | | | |
| | 19. | 12/09/1997 | 5,695,980 | Wei et al. | | | |
| | 20. | 03/30/1999 | 5,888,796 | Chang | | | |

FOREIGN PATENT DOCUMENTS

| Examiner Initials | Ref. No. | Date | Document No. | Name | Class | Subclass | Translation YES NO | |
|-------------------|----------|------------|----------------|------------------|-------|----------|-----------------------|--|
| | 21. | 04/14/1994 | WO 94/07538 A1 | Calabretta | | | | |
| | 22. | 08/03/1995 | WO 95/20681 | Seilhamer et al. | | | | |
| | 23. | 03/20/1997 | WO 97/10365 | Lockhart et al. | | | | |
| | 24. | 06/19/1996 | EP 0717 113 A2 | Chee et al. | | | | |

OTHER DOCUMENTS

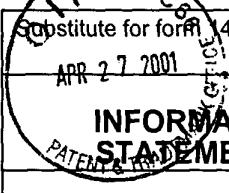
(including author, title, date, pertinent pages, etc.)

| Examiner Initials | Ref. No. | Title |
|-------------------|----------|---|
| | 25. | Borges et al. (1997) "An <i>achaete-scute</i> homologue essential for neuroendocrine differentiation in the lung" <i>Nature</i> 386:852-855 |

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

| | | | | | |
|---|-------------|---|---|-------------------------------|--|
| Substitute for form 449A/PTO | | Docket No. 126881201800 | | Appl. No. 09/646,478 | |
|  | | Applicant(s) Jin JEN et al. | | | |
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary) | | Filing Date: 9/15/00 | | Group Art Unit: Unassigned | |
| Sheet | 2 | of | 2 | Examiner Name: Unassigned | |
| Examiner Initials | Ref. No. | Title | | | |
| | 26. | Chiang et al. (1991) "Antisense oligonucleotides inhibit intercellular adhesion molecule 1 expression by two distinct mechanisms" <i>J. Biol. Chem.</i> 266 :18162-18171 | | | |
| | 27. | Chisaka et al. (1992) "Developmental defects of the ear, cranial nerves and hindbrain resulting from targeted disruption of the mouse homeobox Gene <i>Hox-1.6</i> " <i>Nature</i> 355 :516-520 | | | |
| | 28. | Dorin et al. (1992) "Cystic fibrosis in the mouse by targeted insertional mutagenesis" <i>Nature</i> 359 :211-215 | | | |
| | 29. | Ermisch et al. (1995) "Protein gene product (PGP) 9.5 in diagnostic (neuro-) oncology. An immunomorphological study" <i>Clin. Neuropath.</i> 14 (3):130-136 | | | |
| | 30. | Gadzar et al. (1996) "NCI Series of Cell Lines: An Historical Perspective" <i>J. Cell Biochem. Suppl.</i> 24 :1-11 | | | |
| | 31. | Gilbert et al. (1997) "Low specificity of PGP9.5 expression for detection of micrometastatic neuroblastoma" <i>Brit. J. Cancer</i> 75 (12):1779-1781 | | | |
| | 32. | Gupta et al. (1995) "Regulation of an eukaryotic initiation factor-2 (eIF-2) associated with 67 kDa Glycoprotein (p67) and it's requirement in protein synthesis" <i>Gene Expression</i> 5 (2):113-122 | | | |
| | 33. | Hibi et al. (March 1999) "Frequent overexpression of PGP9.5 in a non-small cell lung cancer" <i>Proceedings of the American Association of Cancer Research</i> 40 :610 | | | |
| | 34. | Madden et al. (1997) "SAGE transcript profiles for p53-dependent growth regulation" <i>Oncogene</i> 15 :1079-1085 | | | |
| | 35. | Phelps et al. (1996) "NCI-Navy medical oncology branch cell line data base" <i>J. Cell Biochem Suppl.</i> 24 :32-91 | | | |
| | 36. | C.A. Stein (1999) "Keeping the biotechnology of antisense in context" <i>Nature Biotech.</i> 17 (3):209 | | | |
| | 37. | Velculescu et al. (1995) "Serial analysis of gene expression" <i>Science</i> 270 :484-487 | | | |
| | 38. | Venter et al. (1996) "A new strategy for genome sequencing" <i>Nature</i> 381 :364-366 | | | |
| | 39. | Wilkinson et al. (1989) "The neuron-specific protein PGP 9.5 is a ubiquitin carboxyl-terminal hydrolase" <i>Science</i> 246 :670-673 | | | |
| | 40. | Wu and Wu (1987) "Receptor-mediated <i>in vitro</i> gene transformation by a soluble DNA carrier system: <i>J. Biol. Chem.</i> 262 :4429-4432 | | | |

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|--|------------------|
| EXAMINER: | DATE CONSIDERED: |
| EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant. | |